

Congress of the United States

Washington, D.C. 20515

June 14, 2022

Delivered via E-Mail

The Honorable Miguel Cardona
Secretary
U.S. Department of Education
400 Maryland Ave., SW
Washington, DC 20202

Dear Secretary Cardona:

We have written two letters to the Department of Education (Department) regarding the alarming breach of security due to Federal Student Aid's (FSA) sharing personal Free Application for Federal Student Aid (FAFSA) data with Facebook via "Meta Pixel." These letters went unanswered. On May 26, 2022, we invited Richard Cordray and a representative from Facebook to participate in a public roundtable discussion to be held on June 7, 2022, to ensure taxpayers received transparency and accountability. Department staff quickly declined our invitation.

In place of this request for a public discussion, our staff received a private briefing on June 3, 2022, after nearly a month of stalling and conflicting responses in the press from the Department. At this briefing, Mr. Cordray noted the code had apparently been "toggled on" for over two years but failed to explain how that code was inadvertently turned on and remained on for those two years. This failure to protect individuals' privacy is unacceptable. It is imperative that the American people have confidence in interacting with federal agencies when it comes to protecting their privacy and thus are owed accountability and transparency.

While we now have more information from your staff surrounding this incident, many questions remain unanswered. We request that all Department and FSA staff retain all past and future emails, documents, and records related to this incident and the Department's relationship with Facebook for future Congressional oversight. Please confirm by June 17, 2022, that the Department will conduct this record retention.

We also request production of all the records outlined below by June 24, 2022:

1. The agreement between Facebook and the Department for the collection and use of data acquired from the use of the Meta Pixel on Department websites.
2. A list of all Department websites that use the Meta Pixel.

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3. All documents and communications from January 1, 2022, to June 7, 2022, discussing the article titled "*Applied for Student Aid Online? Facebook Saw You*" published on *The Markup* on April 28, 2022.
4. All documents and communications from January 2021 to June 2022 that mention any of the following terms "Facebook", "Meta Pixel", "Meta", "The Markup."

We remind the Department that complying with Congressional oversight is not optional. Please provide these documents as each is available.

Thank you for your attention to this matter.

Sincerely,



Richard Burr
Ranking Member
U.S. Senate Committee on Health,
Education, Labor, and Pensions



Virginia Foxx
Ranking Member
U.S. House Committee on Education
and Labor